

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 30, 2008

Craig Ayers
GSHS Customer Service Building 1, Ltd.
700 East Marshall Avenue
Longview, Texas 75601

RE: GSHS Customer Service Building 1, Ltd.
Permit No. 12225

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director has issued final approval of the above-named application.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ executive director's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to Stephanie Bergeron, Environmental Law Division Director (MC 173), and Blas Coy, Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, reading "LaDonna Castañuela", is written over a horizontal line.

LaDonna Castañuela
Chief Clerk

LDC/er

cc: Blas Coy, TCEQ Public Interest Counsel (MC 103)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



WATER USE PERMIT

PERMIT NO. 12225

TYPE §11.121

Permittee: GSHS Customer Service
Building 1, Ltd.

Address: 700 East Marshall Ave.
Longview, Texas 75601

Filed: September 7, 2007

Granted: **APR 22 2008**

Purpose: Recreation

County: Gregg

Watercourse: Unnamed Tributary of
Grace Creek, Tributary
of the Sabine River

Watershed: Sabine River Basin

WHEREAS, applicant seeks authorization to construct and maintain a dam and reservoir with a capacity of 15.5 acre-feet of water and a surface area of 2.69 acres on an unnamed tributary of Grace Creek, tributary of the Sabine River, Sabine River Basin for in-place recreation purposes in Gregg County; and

WHEREAS, the proposed reservoir will be located 3.4 miles north of the City of Longview in the P.P. Rains Original Survey, Abstract No. 258, in Gregg County, Texas. Station 1+00 on the centerline of the proposed dam will be located N 30.0000° W, 7,350 feet, from the southeast corner of the P.P. Rains Survey, also being at 32.5499° N Latitude, 94.7357° W Longitude; and

WHEREAS, ownership of the inundated land is evidenced by a Deed, dated October 17, 2006, and filed and recorded, as document number 200624261, in the Gregg County Clerk's Office; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) finds that jurisdiction over the application is established; and

WHEREAS, the Executive Director recommends that special conditions be included in the permit; and

WHEREAS, no requests for a contested case hearing were received for this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this water use permit;

NOW, THEREFORE, this Water Use Permit No. 12225 is issued to GSHS Customer Service Building 1, Ltd. subject to the following terms and conditions:

1. IMPOUNDMENT

Permittee is authorized to construct and maintain a dam and reservoir on an unnamed tributary of Grace Creek, tributary of the Sabine River, Sabine River Basin with a normal maximum capacity of 15.5 acre-feet of water and a surface area of 2.69 acres. The reservoir will be located 3.4 miles north of the City of Longview in the P.P. Rains Original Survey, Abstract No. 258, in Gregg County, Texas. Station 1+00 on the centerline of the dam will be located N 30.0000° W, 7,350 feet, from the southeast corner of the P.P. Rains Survey, also being at 32.5499° N Latitude, 94.7357° W Longitude.

2. USE

Permittee is authorized to use the impounded water for in-place recreation purposes with no right of diversion.

3. TIME PRIORITY

The time priority for this right is September 7, 2007.

4. TIME LIMITATIONS

- A. Construction of the proposed dam and reservoir shall be in accordance with plans approved by the Executive Director. Construction of the dam without final approval of the construction plans is a violation of this authorization.
- B. Construction shall begin within one year of issuance of this permit and be completed within two years of the issuance of this permit, unless Permittee applies for and is subsequently granted an extension of time before the expiration of these time limitations.
- C. Failure to commence the proposed dam and reservoir within the period stated above shall subject all rights to this permit to forfeiture, subject to notice and hearing. After beginning construction, failure to timely construct the proposed dam and reservoir stated above shall subject this permit to cancellation in whole or in part, subject to notice and hearing.

- D. This permit shall expire and become null and void one year from the date of issuance with no further Commission action. Permittee also waives the right to notice and hearing on cancellation of this water right.
- E. This permit is junior in priority to all existing water rights in the Brazos River Basin.
- F. No diversion shall be made when such water is required to satisfy domestic and livestock demands downstream, or when necessary to satisfy senior and superior water rights and instream needs.
- G. The issuance of this permit does not grant to Permittee the right to use private or public property for diversion of water authorized by this permit. This includes property belonging to but not limited to any individual, partnership, corporation or public entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of Permittee to acquire property rights as may be necessary to make any diversion authorized by this permit.

This temporary permit does not vest in its holder a permanent right and shall in no event be construed as a commitment of the Commission to approve or disapprove any other application or request by Permittee.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein, and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this temporary permit are denied.

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to its right of continuing supervision.



For the Commission

DATE ISSUED: **APR 22 2008**